

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2447

As Amended by Senate Committee on Judiciary

Brief*

HB 2447, as amended, would provide that a possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant, owes a trespasser only the duty of care that existed at common law or in statute on July 1, 2014. The bill states the section would not affect any immunities from or defenses to civil liability established by another Kansas statute or available at common law to which a possessor of real property may be entitled.

Background

In the House Judiciary Committee, representatives of the Builders' Association, Kansas Agribusiness Retailers Association, Kansas Association of Realtors, Kansas Chamber of Commerce, Kansas City Chapter of Associated General Contractors, Kansas Cooperative Council, Kansas Farm Bureau, Kansas Grain and Feed Association, Kansas Livestock Association, and National Federation of Independent Business offered testimony in support of the bill. A representative of the Kansas Association for Justice appeared as an opponent.

The House Judiciary Committee amended the bill by striking language concerning the duty of care owed to a trespasser and clarifying the duty of care would be only that which existed at common law or in statute as of July 1, 2014.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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The Senate Committee amended the bill to replace "as of" July 1, 2014 with "on" July 1, 2014.

The fiscal note prepared by the Division of the Budget indicates the bill, as introduced, would have no impact on the Judicial Branch.